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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/833,056

04/12/2001

Anthony Sowden

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10/04/2005

HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/833,056

Applicant(s)

SOWDEN ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**RESPONSE TO RCE**

1. New claims 25-34 remain for further examination.

**The new grounds of rejection**

2. Applicants' amendments and arguments with respect to claims 25-34 filed on July 11, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Specification**

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

**Drawings**

4. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

**Claim Rejections - 35 USC § 102**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 25-27, 31, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Britt, Jr. et al (U.S Patent No. 6,023,268). Britt's patent meets all the limitations for claims 25-27, 31, and 33-34 recited in the claimed invention.

7. As to claim 25, Britt, Jr. et al teach a method of reading text located at a network address (see abstract and figures 1-4), comprising the steps of: connecting a portable memory (client) where the network address for the text is stored to a user interface (server) (figures 3-4; column 5 line 23 to column 6 line 31; and column 10 lines 51-64); responding to the connection between the user interface and the portable memory by coupling the text at the network address to the user interface and supplying the coupled text to a user by operating the user interface; upon the user navigating the coupled text to a given point in the coupled text, ceasing to read the coupled text; causing the user interface to record on the portable memory data indicative of the given point; and subsequently (a) reconnecting the portable memory to the user interface and (b) using the network address and the data indicative of the given point stored on the portable memory to connect to the network address and (ii) navigate the user interface directly to the given point of the text (abstract; figures 7-11; and column 8 line 38 to column 11 line 35).

8. As to claim 26, Britt, Jr. et al teach that the text is stored on a server accessible via the Internet, and the address is a URL (figures 1 and 11; column 4 lines 43-62; and column 10 lines 51-64).

9. As to claim 27, Britt, Jr. et al teach that the portable memory includes a ROM storing the address and a RAM, the responding step including reading the address stored in the ROM, storing the data indicative of the given point in the RAM, and reading the data indicative of the given point from the RAM to navigate to the given point (figures 3-4, 8-9, and 11; column 5 line 23 to column 6 line 31; column 8 line 57 to column 9 line 63; and column 10 lines 51-64).

10. As to claim 31, Britt, Jr. et al teach that the connecting and reconnecting steps include inserting the portable memory into a port of the user interface at different times (figure 9; and column 9 lines 41-63).

11. As to claims 33-34, they are also rejected for the same reasons set forth to rejecting claims 25-27 above, since claims 33-34 are merely an apparatus for the method of operation defined in the claims 25-27.

12. Claims 28-30 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Toshida (U.S Patent No. 6,229,990).

Toshida's patent meets all the limitations for claims 28-30 and 32-34 recited in the claimed invention.

13. As to claim 28, Toshida teaches a method of listening to music located at a network address (see abstract, summary of the invention, and figure 1), comprising the steps of: connecting a portable memory (radio apparatus) where the network address for the music is stored to a user interface (download site) (figure 1; and column 2 line 48 to column 4 line 35); responding to the connection between the user interface and the portable memory by coupling the music at the network address to the user interface and supplying the coupled music to a user by operating the user interface; upon the user listening to the coupled music to a given point in the coupled music, ceasing to listen to the coupled music; causing the user interface to record on the portable memory data indicative of the given point; and subsequently (a) reconnecting the portable memory to the user interface and (b) using the network address and the data indicative of the given point stored on the portable memory to connect to the network address and (ii) navigate the user interface directly to the given point of the music (summary of the invention; figures 3-4; and column 4 line 40 to column 6 line 41).

14. As to claim 29, Toshida teaches that the music is stored on a server (site) accessible via the Internet (RF signal), and the address is a URL (phone number) (figure 1; column 2 line 63 to column 3 line 12; and column 3 line 65 to column 4 line 36).

15. As to claim 30, Toshida teaches that the portable memory includes a ROM storing the address and a RAM, the responding step including reading the address stored in the ROM, storing the data indicative of the given point in the RAM, and reading the data indicative of the given point from the RAM to navigate to the given point (figure 1; summary of the invention; and column 2 line 48 to column 4 line 36).

16. As to claim 32, Toshida teaches that the connecting and reconnecting steps include inserting the portable memory into a port of the user interface at different times (figures 1 and 4; column 3 lines 26- 55; and column 5 line 24 to column 6 line 34).

17. As to claims 33-34, they are also rejected for the same reasons set forth to rejecting claims 28-30 above, since claims 33-34 are merely an apparatus for the method of operation defined in the claims 28-30.

#### **Response to Arguments**

18. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

**Additional References**

19. The examiner as of general interest cites the following references.
- a. Hopmann et al, U.S. Patent No. 6,694,335.
  - b. Britt, Jr. et al, U.S. Patent No. 6,230,319.

**Contact Information**

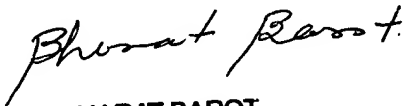
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

September 23, 2005

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**